EXHIBIT 23
DATE 3/27/2013
SB 629

Mr. Chairman, committee members, thank you for the service you are doing for our great state of Montana, I do hope all is well at home with your families and farms and business's. My name is Tim Orr, O R R. I do thank you for the opportunity to speak to you today about such an important issue, the water that is so important to our lives and livelihood here in Montana. I am opposed to the CSKT Compact related to HB 629.

Written with its present limitation and untested:

(1) FTA's (Farm Turnout Allowances)

(2) RDA's (River Diversion Allowance)

(3) The absence of non quota water and duty status of 1, 1.5, 2.0 2.5 and 3.0 duty by soil types

(4) Increases in minimum pools in all but 2 reservoirs

(5) No stock water future

(6) The timing and notification of the Irrigation Project and farmers of this compact and

(7) Much that is and is NOT written in this compact.

I have a copy of my testimony, a map of canal and instream flow measurement sights, a daily recording sheet, and pictures of Project betterment in my packet.

First of all, I live and farm on 816 acres in St Ignatius, MT. I irrigate 305 acres under the Flathead Irrigation Project. We raise cattle, hay and grain. My grand children are the 6th generation to raise cattle in St. Ignatius. Most of our land has been rented for over 20 years. My wife and I purchased

our farm in 1975 from my Father. This is the farm I grew up on, raised my children on and now my grand children will grow up and know this as home. So I know the importance of irrigation on our crops and pastures in our valley. My great grandfather first ran irrigation water in 1873. He built a canal called DC3 east of St. Ignatius about 7 miles, on Dry Creek, and it's still in use today by the Flathead Irrigation Project.

Second, I am like thousands of farmers in America – I have an off farm job. I work for the Flathead Irrigation Project – I'm the Jocko Division Supervisor. We at Jocko cover 58 air miles and hundreds of miles of canals, from Placid Creek on the east to Revais Creek on the west. I fill 3 reservoirs: Tabor, which feeds Mission South to North division from the North and Middle fork diversions; lower Jocko reservoir and Black Lake reservoir, from Placid Creek diversions. Our camp is in Arlee and my ditch ride is in Dixon. All of our Project ditch riders not only run water in the summer but also do everything from rebuilding structures to clearing brush and trees from the canals, to upgrading project buildings. We've developed a spraying program, do cement work and many more improvements on the project. So, we see a lot of different parts and areas of the Flathead Irrigation Project and I've very proud of our crew, one of the best groups of men I've ever worked with. You have a picture in your packet.

I'm going to start with #6 on my list mentioned above. We first got word about this compact the last week of June 2012, right in the middle of the irrigation season. Note that farmers are haying, spraying weeds and irrigating full force this time or year – no spare time to study and figure out what this compact says. We supervisors were asked by the

project manager if we felt this compact would affect water deliveries. Note that the FJBC was going to vote on approval the 1st or 2nd week of July 2012 and of course we did not have to look long to find problems.

Concern #3 – No non quota water. Non quota water is how this project has survived throughout the years. When the reservoirs are full, the clock or quota charged to the farmers land to that point is restarted to 0 again. That's how we have survived quota's of 1 foot or less for decades. Note, they have written in stone a 1.03 quota for Mission District, 1.10 in the Little Bitterroot and 1.30 in Jocko – without non quota. This is less than ½ the water it takes to irrigate on the Flathead Irrigation Project. There is talk of 1.4 ft, but that's before project loss of water and 1.4 is not written in stone or black and white. There is talk about 2 ft, but you have to qualify after years of measurements and most farmers will be broke before this process can be completed. The Jocko division has never had a quota. When the river gets to 275 cfs, the reservoir is opened and then they have quota for the 3-4 weeks that the reservoir lasts, then they are done irrigating for the season. Second, they took away the duty status observed for decades. This allowed extra water for soil types. Sand and gravel soils, for instance, take more water than clay soil. They have included a 3 to 6 cfs instream flow during July to September on Revais Creek in Dixon. If this is allowed to happen, all the farmers on the Dixon bench will go broke. We can only pump 8 to 10 cfs from the lower J canal for irrigation on the pump canal. Without the 3 to 6 cfs, there is simply not enough water for these farmers. This water has been delivered since the project was built. What's worse is that the instream flow will never hit the river; it will go under the ground ½ mile before the river.

Concern #4 – Another problem is that all the minimum pools on the reservoirs have been raised. How can the minimum pool be a greater elevation than the natural lake behind the dam? There is close to 9,135 acre feet on minimum pool required in the compact; quite a bit pumped from the Flathead River. 9,000 acre feet of water in a dry year is a lot of irrigation water. This needs to be looked at closely, I believe this is a 2,000 acre foot increase.

Concern #2 – The river diversion allowance is going to take the project 30 to 50% more labor to divert water from streams. The mountain streams can vary 250 to 400 cfs in 2 to 3 days and a 100 cfs daily in cool weather. The operator would have to spend hours daily adjusting the gates on each diversion to meet the 30 day MEF. These minimum high flows have a 30 day MEF calendar date, not run off date. Example is the North Fork Jocko 110 cfs in May and 210 cfs in June, not the run off date of May 15th to June 15th. Some years, there would be no water to divert.

The other problem with this compact getting approval is verbal promises made, not facts and hard figures. There should be hard facts written on paper: what, when, where and how much will it cost. My banker requires this of me before he, not me, signs on the dotted line. There just needs to be more time and study done, and test plots done, before I'm ready to support such a change in how the water I make my living from is given away with no way to get it back. A calculator and computer does not raise the food we eat; it's water, seed, soil, cows and one of us farmers, to grow food. If we go broke we can't feed the world.

I am a member of the Confederated Salish and Kootenai Tribe and as far as I know, the Tribe has never had a meeting to inform the tribal irrigators what they can expect from this compact. I personally think this is a tragedy. We have tried to tell as many as we could in the last 9 months.

We are standing here in our great halls of justice. In all the meetings that we have had in the last 9 months to inform the public of this compact, we have begun with the Pledge of Allegence and a prayer. What stands out is: "One nation under God" and "with liberty and justice for all." This compact is not justice.

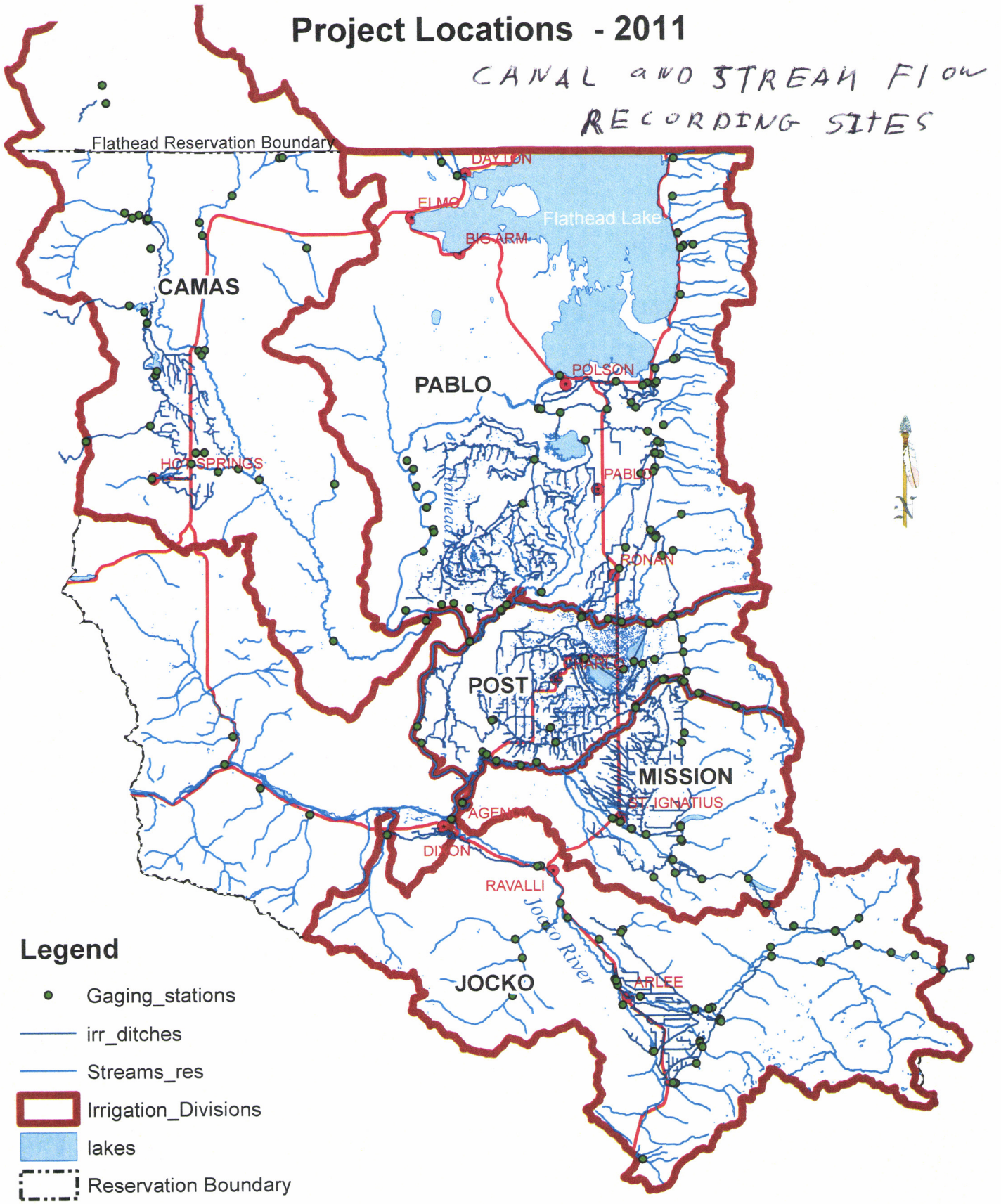
I thank you for your time. May God grant you wisdom.

Tim Orr.

The Confederated Salish and Kootenai Tribes of the Flathead Reservation

Project Locations - 2011

CANAL AND STREAM FLOW RECORDING SITES



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DAILY READINGS - JOCKO
DATE: 4/26/12

FLATHEAD INDIAN IRRIGATION PROJECT
IRRIGATION SEASON 2012

4557 Jocko

No.	GAGE OR SITE	Reading	CFS or AF	TIME	NOTES	CSKT Interim Instream Flow Sta.	CSKT Interim Instream Flow cfs
1	Placid Creek bl Placid Canal	2.00	100.0	1045	1.90 - 86.0	5000.00	10
2	Placid Canal bl Headworks	2.04	76.5	1045	2.04 - 87.0		
3	Placid Canal Weir ab Black Lake Reservoir	1.34	89.5	1017	TO		
4	[redacted]	4421.8	2387 AF	1000	TO		
5	Black Lake Reservoir Discharge	21"	144 cfs	1000	open 21" gate TO		
6	[redacted]	42865	1323 AF	0940	TO		
7	Lower Jocko Reservoir Discharge		0 CFS				
8	Middle Fork Jocko bl Tabor Feeder Canal	5.32	89.6	0930	TO	5100.00	20
9	South Fork Jocko	2.76	272.6	1132			
10	Jocko River bl Upper Jocko S Canal					5130.50	19
11	Upper Jocko S Canal						
12	Jocko River bl Jocko K Canal					5149.00	36
13	Jocko K Canal ab Jocko River		672.3		SM		
14	Big Knife Creek bl Jocko S Canal					5143.00	2
15	Agency Creek bl Upper J Canal					5169.00	8
16	East Fork Finley Creek bl Jocko N Canal					5165.00	8
17	Finley Creek bl E Canal					5175.00	7.5
18	Finley Creek at the Mouth					5178.00	8.5
19	Jocko River bl Lower S Canal					5180.00	43
20	Jocko River bl Jocko Lower J Canal	7.67	1228.0	1252	TO	5194.00	76
21	Revais Canal bl Revais Creek						
	MISSION DIVERSION						
22	Tabor Feeder bl Middle Fork Jocko		8.0		0917 2.37 - 84.5		
23	North Fork bl Tabor Feeder -.13 2.59	2.46	93.5	0850	.42 on mo. - .32 TO	5130.00	18
24	Tabor Feeder bl North Fork -.22 5.24	5.02	271.9	0855	0920 5.20 - 290.3 TO		
25	Tabor Feeder ab Tabor Reservoir	4.55	308.0	0810	TO		
26	Valeria Creek	Estimated	8.0	0821	TO		
27	S-14 Creek	Estimated	9.0	0930	TO		
28	Falls Creek	Estimated	70.0	0935	TO		

40°
44°
44°
46°
44°
42°

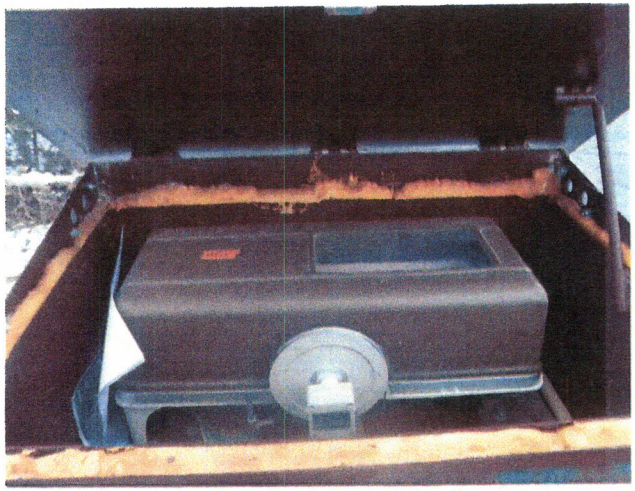
DAILY READINGS - JOCKO
DATE: 4/27/12

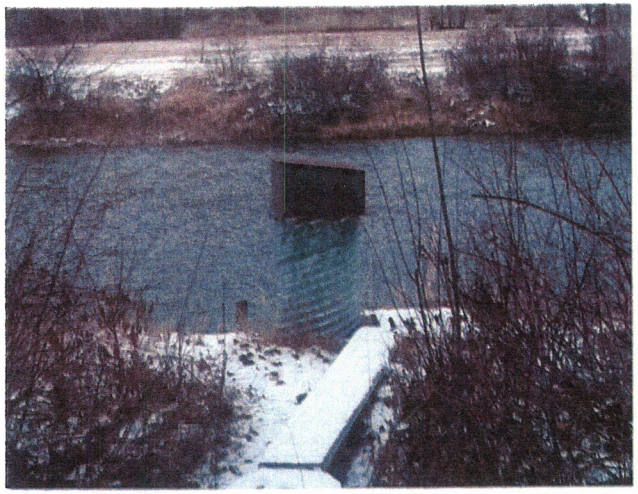
FLATHEAD INDIAN IRRIGATION PROJECT
IRRIGATION SEASON 2012

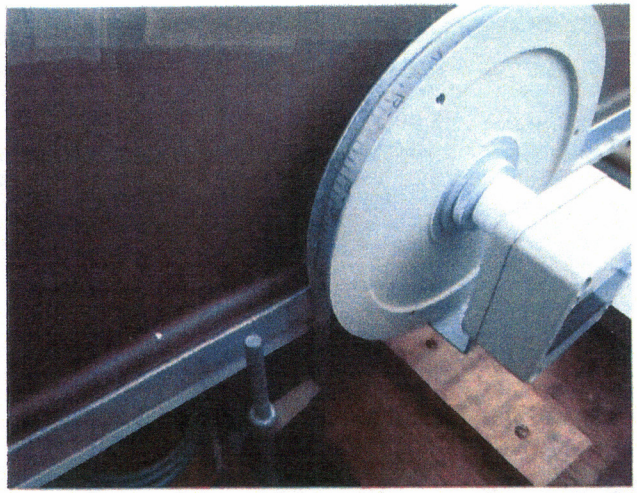
Jocko
682.0

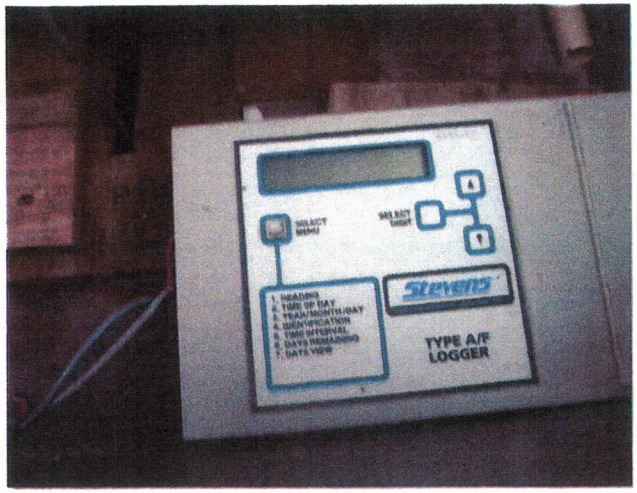
No.	GAGE OR SITE	Reading	CFS or AF	TIME	NOTES	CSKT Interim Instream Flow Sta.	CSKT Interim Instream Flow cfs
1	Placid Creek bl Placid Canal	2.23	1305	1215	2.05 -107.4	5000.00	10
2	Placid Canal bl Headworks	1.48	49.8	1214	2.15 - 97.4		
3	Placid Canal Weir ab Black Lake Reservoir	1.39	94.2	1102	TO		
4	Black Lake (Max = 4423.00 ft, restricted)	4422.8	2527 AF	1045	TO		
5	Black Lake Reservoir Discharge	21"	144 cfs	1045			
6	Lower Jocko Reservoir (Max = 4340.00 ft)	4289.0	1512 AF	1035	TO		
7	Lower Jocko Reservoir Discharge		0				
8	Middle Fork Jocko bl Tabor Feeder Canal	5.38	103.0	0955	TO	5100.00	20
9	South Fork Jocko	3.10	404.0	0945	TO		
10	Jocko River bl Upper Jocko S Canal					5130.50	19
11	Upper Jocko S Canal						
12	Jocko River bl Jocko K Canal		1095.0		SM	5149.00	36
13	Jocko K Canal ab Jocko River		56.0		SM		
14	Big Knife Creek bl Jocko S Canal					5143.00	2
15	Agency Creek bl Upper J Canal		104.0			5169.00	8
16	East Fork Finley Creek bl Jocko N Canal					5165.00	8
17	Finley Creek bl E Canal	2.74	275.0	0811	NA	5175.00	7.5
18	Finley Creek at the Mouth	16.64	292.0	1257	NA	5178.00	8.5
19	Jocko River bl Lower S Canal	10.68	1372.0	1545	NA	5180.00	43
20	Jocko River bl Jocko Lower J Canal	5.10	1400+	0821	TO	5194.00	76
21	Revais Canal bl Revais Creek						
	MISSION DIVERSION						
22	Tabor Feeder bl Middle Fork Jocko		8.0				
23	North Fork bl Tabor Feeder	2.98	165.0	1310	.7 on weir	5130.00	18
24	Tabor Feeder bl North Fork	5.02	270.9	1305	TO		
25	Tabor Feeder ab Tabor Reservoir	4.83	343.0	1240	TO		
26	Valeria Creek	Estimated	8.0	1334	TO		
27	S-14 Creek	Estimated	10.0	1327	TO		
28	Falls Creek	Estimated	70.0	1320	TO		

30°
32°
32°
36°
36°







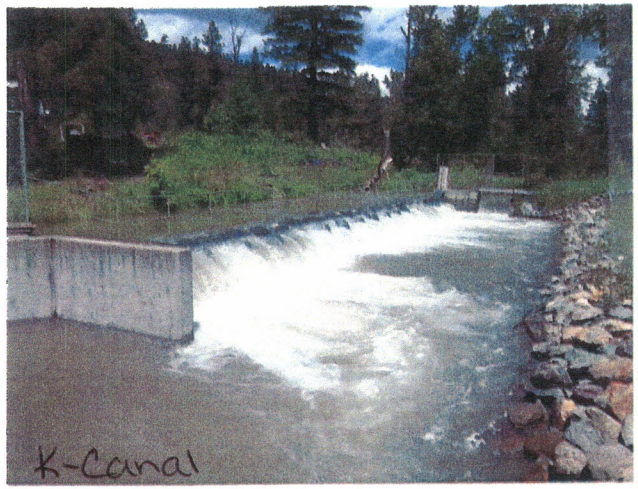


Recording boxes and staff gauges for canals and streams

J Canal diversion repair

damage by high water

repaired by
FIP Crew



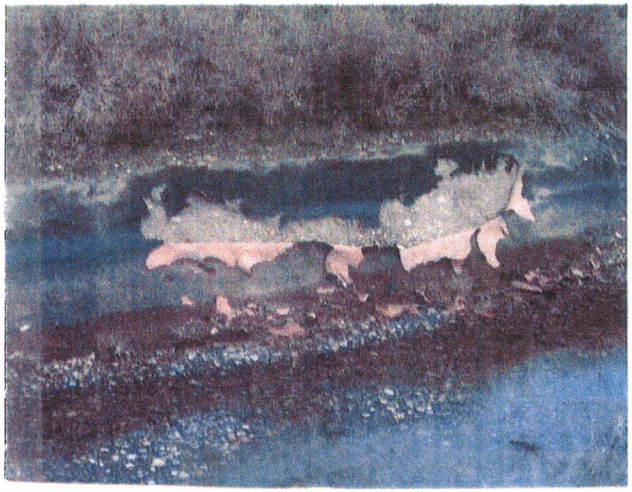
High water at K-Canal; 2,200 cfs in the river

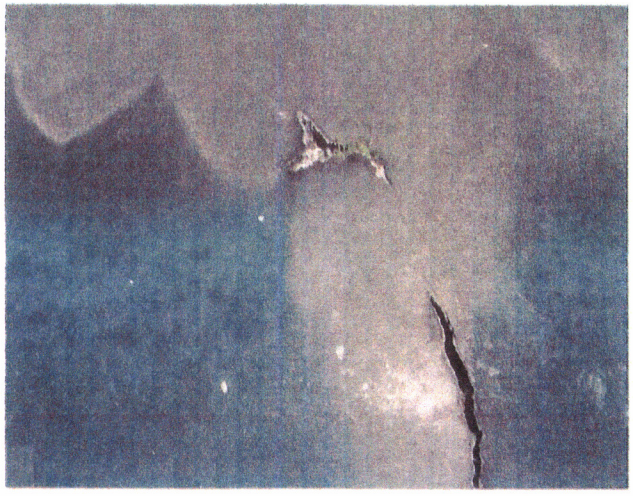
Tree removal at Pablo Feeder north of St. Ignatius.

FIP crews have removed 70 truck loads of logs from this canal

Damage to exposed Liner and repairs

FIP Crews were Concernd about the exposed Liner when Installed





K-canal Liner installed in 2009

FIP Spray Program

Applying Round-Up to inside prism of the ditch to remove grass and cat-tails, to open water flows.